

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 3, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-17307 - APPLICANT: LAKESIDE CENTER - OWNER: WFTNV, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Restaurant Service Bar use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposed project is a request for a Special Use Permit to operate a restaurant and service bar with a Waiver of the 400-foot distance separation requirement from an existing church at 2620 Regatta Drive at the southeast corner of Regatta Drive and Breakwater Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/06/88	The City Council approved a Reclassification of Property (Z-0121-87) on the subject site as part of a larger request for a proposed residential and commercial development.
01/26/89	The Board of Zoning Adjustment approved a Variance (V-0154-88) to allow 315 parking spaces where 394 are required in conjunction with a proposed commercial shopping center.
02/19/92	The City Council approved a Special Use Permit (U-0311-91) for the sale of packaged liquor in conjunction with a market on the subject site. The Board of Zoning Adjustment recommended approval.
12/06/00	The City Council approved a Special Use Permit (U-0169-00) for a restaurant service bar in conjunction with a market/deli on the subject site. The Planning Commission recommended approval.
12/19/01	The City Council approved a Site Development Plan Review [Z-0121-87(1)] for a proposed 8,325 square-foot synagogue and a Variance (V-0073-01) to allow 315 parking spaces where 405 are required on the subject site. The Planning Commission recommended approval of both applications.
11/16/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #40/ng).
<i>Pre-Application Meeting</i>	
09/13/06	A Pre-Application meeting was held with the applicant. The applicant was informed that the proposed Service Bar/Restaurant use requires a Waiver of the 400-foot separation distance from the existing synagogue. In addition, new commercial shopping center parking requirements are applicable to this project.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this use application nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.50 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	Service Commercial	C-1 (Service Commercial)
North	Residential	Low Density Residential	R-PD5 (Residential Planned Development – 5 Units Per Acre)
South	Residential	Parks and Recreation/Open Space	R-PD5 (Residential Planned Development – 5 Units Per Acre)
East	Residential	Parks and Recreation/Open Space	R-PD5 (Residential Planned Development – 5 Units Per Acre)
West	Residential	Low Density Residential	R-PD5 (Residential Planned Development – 5 Units Per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	Y		Y
Trails		N	Y
Rural Preservation Overlay District		N	Y
Development Impact Notification Assessment		N	Y
Project of Regional Significance		N	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Service Bar/Restaurant	67,942 SQUARE FEET	1 SPACE/250 SQUARE FEET OF GROSS FLOOR AREA	272	7	307	8	Y
TOTAL			279		315		Y

ANALYSIS

The project requests approval of a Special Use Permit (SUP) to operate a restaurant service bar within an existing multi-tenant retail center on a 5.5 acre site. The location of the proposed special use is within 400 feet from an existing synagogue therefore the use request requires a Waiver of separation requirements.

- General Plan

The project site is located in area designated as Service Commercial in the City Master Plan and the proposed use is consistent with this category.

- Zoning

The project site is zoned C-1 (Limited Commercial) and the proposed use is allowed with a Special Use Permit.

- Separation Distance Requirements

Title 19 minimum requirements for issuance of a Special Use Permit requires the proposed use to be located greater than 400 feet of an existing church, synagogue, school, child care facility with more than 12 children enrolled, or any city park. An existing synagogue is located directly northwest of the project site and within the minimum distance separation standard. As the project proposes operation of a restaurant with service bar, the proposed use is considered incompatible with the adjacent religious center. Therefore, staff does not support the requested Special Use Permit and Waiver of separation requirement and thereby recommends denial of the application.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is inappropriate for the area and would not complement the existing adjacent religious use.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The project site is an existing developed commercial tenant shopping center with surface parking. The location is capable of accommodating the proposed restaurant service bar use.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Existing transportation corridors along Break Water Drive and Regatta Drive are capable of accommodating traffic generated by the proposed use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed use would is not compatible with the goals and intent of the General Plan. The project could adversely affect human health and public safety of the adjacent religious center.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use would not meet the Title 19 requirement for a minimum 400 foot separation from the existing synagogue on site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 6

NOTICES MAILED 795 by City Clerk

APPROVALS 1

PROTESTS 0